

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **June 3, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**Case:** Mocerin v. Spellmeyer

**Case No.** CV CV 08-3232

**Hearing Date:** June 3, 2009 Department Fifteen 9:00 a.m.

This matter is continued to Thursday, June 11, 2009, at 9:00 a.m. in Department Fifteen at the request of the plaintiff.

#### **TENTATIVE RULING**

**Case:** People of the State of California v. Martinez

**Case No.** CV PT 09-906

**Hearing Date:** June 3, 2009 Department Fifteen 9:00 a.m.

The parties are directed to appear.

#### **TENTATIVE RULING**

**Case:** Tony's Fine Foods v. Maloney

**Case No.** CV CV 08-1841

**Hearing Date:** June 3, 2009 Department Fifteen 9:00 a.m.

Plaintiff Tony's Fine Foods' unopposed motion for default against defendant for failure to respond to discovery and for monetary sanctions is **DENIED WITHOUT PREJUDICE**. (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 796; *Caryl Richards, Inc. v. Superior Court* (1961) 188 Cal.App.2d 300, 303.)

If defendant continues to fail to respond to the discovery requests propounded by plaintiff in disobedience of the Court's February 11, 2009 order, the Court, upon noticed motion, will consider issuing evidence or issue sanctions against defendant pursuant to Code of Civil Procedure sections 2023.030, subdivisions (b) and (c) and 2023.040.

If no hearing is requested, this tentative ruling is effective immediately. Plaintiff is to serve a copy of the tentative ruling on defendant by June 3, 2009. No formal order pursuant to California Rules of Court, rule 3.1312 is required.